

Docket No: 08-0389
Bench Date: 12/2/09
Deadline: N/A

M E M O R A N D U M

TO: The Commission

FROM: Eve Moran, Administrative Law Judge

DATE: November 23, 2009

SUBJECT: Geraldine Davenport
-vs
Commonwealth Edison Company

Complaint as to billings and/or Charges.

RECOMMENDATION: Enter Order dismissing complaint with prejudice.

Geraldine Davenport filed a formal complaint with the Illinois Commerce Commission ("Commission") alleging that Commonwealth Edison Company ("ComEd" or "Respondent")) overcharged for electric service to her residential apartment in Rockford, Illinois. At the outset, Ms. Davenport failed to appear at two of the scheduled status hearing dates (where at each time ComEd appeared by counsel). On October 17, 2008, accommodations were made for Complainant to appear by telephone. At that hearing Ms. Davenport and ComEd had discussions such that, in the end, the ALJ was made to understand that there was an agreed-to disposition of the case.

There being no filings or any other activity for some time, the ALJ scheduled an evidentiary hearing for March 17, 2009. It was arranged for Ms. Davenport to again appear by telephone. Evidence was taken from the Respondent and the matter was continued to April 15, 2009 for reason that Complainant expected to obtain the services of an attorney. Subsequently, however, the ALJ received a letter from Ms. Davenport indicating that she was not going to pursue the instant complaint.

A Proposed Order issued on July 8, 2009. No exceptions were filed in the matter.

On the facts and circumstances of this case, it is recommended that the Commission adopt the instant Order that dismisses the complaint with prejudice.

EM:jt